

Exhibit 40

6 (Pages 18 to 21)

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<p>1 G. LIBUTTI</p> <p>2 director of world wide sales that is was in Rome and the</p> <p>3 name is the same. It's Pierandrea Galli.</p> <p>4 Q. And you said first he was was the director of</p> <p>5 North America?</p> <p>6 A. No. Just explain, I was in charge of North</p> <p>7 America and there was another guy in charge of South</p> <p>8 America.</p> <p>9 Q. Okay</p> <p>10 A. Mr. Galli, based in New York, was the boss of</p> <p>11 both.</p> <p>12 Q. What was his title?</p> <p>13 A. Director of -- I don't remember -- director of</p> <p>14 North and South America. I don't remember. Now, he was</p> <p>15 transferred to Rome as director of world wide sales and</p> <p>16 then the position used to have before was canceled.</p> <p>17 Q. When you went back to Rome what was your salary?</p> <p>18 A. My salary was the same amount; 100,000 Euro,</p> <p>19 gross. Not net, but gross. So means I have to pay</p> <p>20 taxes. In Italy it's around 45 percent so my salary was</p> <p>21 around 55,000 Euro.</p> <p>22 Q. What do you mean you had to pay taxes but in the</p> <p>23 United States you did not have to pay taxes; can you</p> <p>24 explain that?</p> <p>25 MR. KORAL: Objection.</p>	<p>1 G. LIBUTTI</p> <p>2 Gallo?</p> <p>3 MR. KORAL: Objection.</p> <p>4 MR. SMITH: Withdrawn.</p> <p>5 Q. Could you please describe your relationship, if</p> <p>6 any, with Mr. Gallo?</p> <p>7 A. Yes.</p> <p>8 MR. KORAL: Objection.</p> <p>9 Q. It was working a relationship because he was</p> <p>10 based in North America, I was based in South America and</p> <p>11 we had many friends in common so we sometimes we have</p> <p>12 goals and exchange idea about the company. We met a few</p> <p>13 times during big meetings at the Alitalia organized</p> <p>14 sales meeting for all employees and all the management</p> <p>15 in the world and that was my relationship with Gallo</p> <p>16 before New York.</p> <p>17 Q. Prior to coming to New York, did you ever go out</p> <p>18 socially with Mr. Gallo?</p> <p>19 A. Socially?</p> <p>20 Q. Yes.</p> <p>21 A. Some visit in New York with some dinner together,</p> <p>22 yes.</p> <p>23 Q. Prior to 2003, to you coming to New York, did you</p> <p>24 ever here any rumors about Mr. Gallo?</p> <p>25 MR. KORAL: Objection.</p>
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<p>1 G. LIBUTTI</p> <p>2 A. In the United States the company pay taxes, I pay</p> <p>3 taxes but the contract that we do is a net contract.</p> <p>4 Q. What does that mean?</p> <p>5 A. That you receive an amount net, taxes excluded, I</p> <p>6 mean, the company will pay taxes.</p> <p>7 Q. So you received 100,000 Euro's clean after taxes?</p> <p>8 A. Absolutely.</p> <p>9 Q. And in Rome did they pay for any schooling for</p> <p>10 your children?</p> <p>11 A. No.</p> <p>12 Q. No apartment?</p> <p>13 A. Apartment, no. They give me 1,000 Euro for first</p> <p>14 year as because every time that an expatriated it's back</p> <p>15 to Italy. The first year they help some accomodation.</p> <p>16 So the first year I receive 1,000 Euro as help for the</p> <p>17 house, apart of course, that the salary.</p> <p>18 Q. Do you know Francesco Gallo?</p> <p>19 A. Yes.</p> <p>20 Q. When did you first meet Francesco Gallo?</p> <p>21 A. At the beginning of my experience in Alitalia. I</p> <p>22 don't remember exactly the year but.</p> <p>23 Q. Would that be in the early '90s?</p> <p>24 A. Yes, '94, '93, '95. I don't remember.</p> <p>25 Q. And what was your relationship like with Mr.</p>	<p>1 G. LIBUTTI</p> <p>2 A. Rumors about what, sir?</p> <p>3 Q. Rumors about Mr. Gallo being homosexual?</p> <p>4 A. No.</p> <p>5 Q. Did you ever hear any rumors about Mr. Gallo in</p> <p>6 any derogatory fashion, any bad things about Mr. Gallo?</p> <p>7 A. No.</p> <p>8 Q. Did you believe he was a homosexual back in 2000</p> <p>9 -- before coming to New York?</p> <p>10 A. Repeat the question again, sir. If I believe</p> <p>11 that Mr. Gallo was homosexual?</p> <p>12 Q. Yeah.</p> <p>13 A. No.</p> <p>14 Q. As you sit here today do you believe Mr. Gallo is</p> <p>15 homosexual?</p> <p>16 A. No.</p> <p>17 Q. Have you ever heard any rumors about Mr. Gallo</p> <p>18 being homosexual?</p> <p>19 A. Yes.</p> <p>20 Q. When was the first time you ever heard a rumor</p> <p>21 about Mr. Gallo being homosexual?</p> <p>22 A. When Alitalia received a lawsuit from a guy</p> <p>23 working in Alitalia that was accusing Mr. Gallo of</p> <p>24 sexual harassment.</p> <p>25 Q. And who was that guy?</p>